

31634

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-219245;.2;.3.4;.5; **DATE:** July 8, 1985
.6;.7;.8
MATTER OF: Management Development Group

DIGEST:

Protests against the procurement procedures being used to award cooperative agreements, not significantly controlled by procurement statutes and regulations, will not be considered where company has neither alleged nor shown that contracts rather than cooperative agreements should have been used or that conflict of interest was involved.

Management Development Group (MDG) protests against the procurement procedures used in the award by the Minority Business Development Agency (MBDA), Department of Commerce, of several cooperative agreements for the operation of Minority Business Development Centers in various geographical areas. MDG contends that the agency did not provide adequate response time as required by 48 C.F.R. § 5.203 (1984), when it synopsisized these agreements in the Commerce Business Daily. We dismiss these protests.

We generally do not review protests concerning the award of cooperative agreements, unless there is some showing that the agency is using a cooperative agreement where a contract is required, that is, the agency is using the cooperative agreement award process to avoid the competitive requirements of procurement laws, or that a conflict of interest exists. See Am-Tech Export Trading Co., Inc., B-216587, Oct. 22, 1984, 84-2 C.P.D. ¶ 439. We limit our review because the award of cooperative agreements is not significantly controlled by statutes and regulations having the force and effect of law as in the award of procurement contracts, and our involvement therefore would result in interference with the administration by executive branch agencies of their financial assistance programs. Id. MDG has not alleged or shown that cooperative agreements were used instead of contracts to avoid competitive requirements of procurement laws or that a conflict of interest exists.

032504

B-219245;.2;.3;.4;.5;.6;.7;.8

2

Accordingly, there is no basis for consideration of these protests under our Bid Protest Regulations, 4 C.F.R. part 21 (1985), which deal with the filing of protests of awards subject to the procurement statutes and regulations.

The protests are dismissed.



Robert M. Strong
Deputy Associate General Counsel